

CITY OF GREENACRES**OFFICIAL MINUTES TRACKING**Council/Board: Planning CommissionMeeting Date: 12-6-17Transcribed by: muf No. of Pages: 9 Transcription Time: 4:25**REVIEW OF MINUTES**

Reviewed By:

| Name/Initials | Date | Revisions | |
|-----------------------|-----------------|---|-----------------------------|
| <u>[Signature]</u> | <u>12/18/17</u> | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| <u>KARA PERAS muf</u> | <u>3.9.18</u> | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| | | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| | | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| | | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

APPROVAL OF MINUTES

Meeting Date: _____

Motion By: _____ Seconded By: _____

Check One: ☐ Approved ☐ Tabled ☐ Denied Vote: _____Changes requested by Council or Board? ☐ Yes ☐ No

If yes, note changes: _____

Date Scanned and Filed: _____ By: _____



CITY OF GREENACRES, FLORIDA

OFFICIAL MINUTES PLANNING COMMISSION

Wednesday, December 6, 2017

1. Call to Order and Roll Call.

The Planning Commission meeting was called to order on Wednesday, December 6, 2017 at 7:00 p.m., with Chairwoman Edmundson presiding. Melody Larson, Assistant to the City Clerk called the Roll. She welcomed Dannette Fitzgerald to the Board.

ROLL CALL:

Commissioners Present:

Ann Edmundson, Chair
Robert Clements
Jack Buzek
Claudia Bennis
Hanny Garcia
Dannette Fitzgerald

Staff Present:

Kara Irwin-Ferris, Director/Planning & Engineering
Osniel Leon, Senior Planner
Melody Larson, Assistant to the City Clerk

Public Attendance: 22

Press Attendance: 0

Absent:

Larry Tronco

2. Agenda Approval: Additions, deletions, or other revisions to the agenda.

Chairwoman Edmundson asked if there were any additions, deletions, or revisions to the agenda; hearing none, the agenda was approved.

3. Approval of Minutes: August 16, 2017.

Chairwoman Edmundson asked if there were any additions, deletions, or revisions to the minutes of August 16, 2017; hearing none, she called for a motion.

MOTION: Commissioner Clements made a motion to approve the Planning Commission minutes of August 16, 2017. Commissioner Bennis seconded the motion.

**VOTE ON
THE MOTION:**

In favor: Chairwoman Edmundson, Commissioners Clements, Buzek, Bennis, Garcia, Roberts and Fitzgerald.

Motion: 7 – 0.

4. Cases:

**A. ANX-13-03
Ord. 2017-32**

NW Corner of Chickasaw & Jog Road (Aldi's Greenacres)

A request by the owner for a voluntary annexation of 3 parcels of land totaling approximately 2.11 acres. The site is located on the northwest corner of Chickasaw Road and S. Jog Road.

Senior Planner Osniel Leon described the voluntary annexation request to annex three (3) undeveloped parcels of land totaling 2.11 acres into the City. The parcels are contiguous to the City's boundaries on the north, south and east and are part of an existing enclave. This proposal is being processed concurrently with a comprehensive plan amendment and zoning change. The parcels meet the six (6) annexation criteria and are within the City's Future Annexation Area. Staff recommended approval of ANX-13-03.

Chairwoman Edmundson called on board members for comments; hearing none, she called on the applicant for comment.

Attorney Dwayne Dickerson of Denay, Miskel and Backman, LLP, agent for the owner, provided a brief history of Aldi's founded in 1961 in Germany, now an international brand with 1,600 stores in 35 states. Aldi's was recognized in 2014 as, "Retailer of the Year" and uses local farmers and gluten-free/organic foods.

Chairwoman Edmundson opened the floor to the public. She asked if anyone was in favor of, or opposed to Ordinance No. 2017-32 to come forward.

Property owner Carol Eubanks, property of 3554 and 3560 Harwich Court, stated she is not opposed to the annexation; however, she is opposed to the rezoning. With the unfinished medical building and Walmart, the community does not need another grocery store. The neighborhood is looking more like South Military Trail. She questioned why should homeowners have to pay for Chickasaw Road to be paved when Aldi's would be using the road to access their site. She reported on the current traffic challenges for residents entering and exiting Chickasaw Road onto South Jog Road.

Property owner Ramon Guedes of 6502 Sandi Lane, agreed with the difficulty of existing dangerous traffic conditions entering/exiting Chickasaw Road and was very concerned for the safety of the neighborhood children. There is no need for another grocery store.

Property owner Steve Katz of 6561 Sandi Lane, believed in progress but acknowledged the major traffic problems on Chickasaw Road. The addition of an Aldi's would only exacerbate current traffic conditions. The developer for the Las Ramblas project was required to make road improvements, but when the economy fell, nothing got developed. No more commercial property is needed; he urged the City to keep zoning as is, residential, at 3 homes per acre

Property owner Peter Horn of 6567 Sandi Lane pointed out that Chickasaw Road is an "illegal" road and as such he could not understand how the homes were built. There are no sidewalks for children, no guardrail and a catastrophe could potentially occur at any moment.

Property owner Katherine Sullivan of 3471 Chickasaw Circle, agreed. Her concern is emergency vehicle access. What happens with accidents or a fire, how will emergency vehicles gain access? The school bus drops off and picks up children on South Jog Road which creates problems for residents exiting Chickasaw Road.

Property owner Leslie Malay of 6561 and 6571 Chickasaw Road, immediately adjacent to the proposed project, reported that residents were told that Chickasaw Road is owned by the Lake Worth Drainage District with access to the canal. When residents received notification from the County about the road, she contacted LWDD who had no idea that the County was initiating road improvements. After speaking with the City's Planning and Engineering Department and the County, she learned that Chickasaw Road was annexed into the City. Ms. Malay emphasized that Chickasaw Road will have to be upgraded. She asked, who does she call when problems arise.

Director Ferris reported that in 2013, when a residential parcel was developed, the issue of Chickasaw Road was raised. The County will not take responsibility for it, nor will LWDD. She emphasized that the road is not owned by the City. She noted that many enclaves in Palm Beach County have roadways similar to Chickasaw Road.

Director Ferris explained that the City has attempted to push the County to resolve the issue. The County letter recently received by residents was notifying them of the creation of a MSTU, a special taxing district for residents who use the road to pay for the improvements. In order for the County to proceed, 50% of the residents must agree to pay for the improvements. To date, they are five (5) homeowners short of a "no" vote. More information will be made available in January. The LWDD has a canal with limited right-of-way. Applicants seeking development approval for projects do improve portions of the road their site is adjacent to.

Attorney Dickerson stated that the applicant authorized him to provide substantial outreach to the community and surrounding homeowner associations like Park Pointe and Village of Wedgewood Lakes. He also requested contact information from the City for anyone who had questions about the project. He also provided his personal cell number to several residents. He reminded the Board and public that this proposal was for voluntary annexation and urged the public to hold their questions for the site plan review stage.

Residents disagreed, claiming none of them were notified of the Aldi's project. Mr. Katz learned about the project while paying his garbage bill at City Hall. Mr. Guedes reported that when the County installs a water line, property owners must give up a 5-ft. easement to the County. He asked if that is the case, why isn't the County taking responsibility for Chickasaw Road? His view is life is more important than an Aldi's.

Director Ferris addressed the public notice requirements for the two public hearings and confirmed that the 300 ft. notice requirement was met for the first public hearing. She offered residents who reside outside the 300 feet radius who are interested in receiving notification to meet with her after the meeting to add them to the mailing list.

Chairwoman Edmundson closed the floor to the public and called for a motion.

MOTION: Commissioner Robarts made a motion to recommend approval of ANX-13-03 as presented by staff. Commissioner Bennis seconded the motion.

VOTE ON THE MOTION: **In favor:** Chairwoman Edmundson, Commissioners Clements, Bennis, Garcia, and Robarts.
Opposed: Commissioners Buzek and Fitzgerald.

Motion passed: 5 – 2.

- B. ZC-13-04 NW Corner of Chickasaw & Jog Road (Aldi's Greenacres)**
Ord. 2017-34 A request by the owners for zoning change from PBC Agricultural Residential (AR) to City Commercial Neighborhood (CN) in part and from a City Mixed Use Development Office (MXD-O) to a City Commercial Neighborhood (CN). The site is located on the northwest corner of Chickasaw Road and S. Jog Road and at 3429 S. Jog Road

Senior Planner Leon described the request to rezone three (3) parcels of undeveloped land totaling 2.11 acres plus a 1.9-acre parcel to the north to a Commercial Neighborhood (CN) zoning designation. This proposal is being processed concurrently with an annexation, future land use amendment and site plan for a proposed Aldi's Grocery Store. He stated the proposal meets the ten (10) zoning change criteria; therefore, staff recommends approval of ZC-13-04.

Chairwoman Edmundson called on board members for comments.

Commissioner Clements asked if the applicant currently owns the property.

Attorney Dickerson reported that the parcels are currently under contract with a closing scheduled within the next 30 days. He explained that the applicant worked with staff to determine a suitable zoning designation for the site. Due to the adjacent residential units, the City recommended a Commercial Neighborhood (CN) designation.

Chairwoman Edmundson opened the floor to the public. She asked if anyone was in favor of, or opposed to ZC-13-04 to come forward.

Carol Eubanks questioned at what point does the 300 ft. radius begin. She asked if no one owns Chickasaw Road, how can the City approve a project next to a road no one owns?

Director Ferris explained it is measured from the edge of the property line. Due to some lot sizes, only a few Chickasaw Road residents were notified. As for Chickasaw Road, the County required the applicant to make certain road improvements during concurrency review.

Attorney Dickerson explained that LWDD required a guardrail and the County required a turn lane. The applicant accommodated both requests. Attorney Dickerson pointed out that the proposed Aldi's is half the size of a Publix and would only have one

delivery truck daily. He reminded attendees that this is only the first public hearing and their concerns would be addressed during the site plan review.

Chairwoman Edmundson pointed out that these residents present tonight are directly impacted by this project, whereas the homeowner associations that Mr. Dickerson contacted are not.

Further discussion followed from residents concerned with children's safety, receiving proper notification, the contract being contingent upon improvements and traffic concerns.

Director Ferris agreed to increase the notification radius and to include the property owners who are present.

Chairwoman Edmundson closed the meeting to the public and called for a motion.

MOTION: Commissioner Clements made a motion to recommend approval of ZC-13-04 as presented by staff. Commissioner Garcia seconded the motion.

VOTE ON THE MOTION: **In favor:** Chairwoman Edmundson, Commissioners Clements, Buzek, Bennis, Garcia, Roberts and Fitzgerald.

Motion: 7- 0.

C. SP-17-02 Aldi's Greenacres (NW Corner of Chickasaw & Jog Road)

A request by the owners for a site and development plan approval to construct a 22,978 sq. ft. Aldi's grocery store. The site is located on the northwest corner of Chickasaw Road and S. Jog Road at 3429 S. Jog Road.

Senior Planner Leon described the request for site plan approval to build a 22,978 sq. ft. grocery store on a 3.2 acre site at 3429 South Jog Road. This proposal is the companion item to the annexation (ANX-13-03) and rezoning (ZC-13-04) applications just recommended for approval.

The proposed development will consist of a one-story building with 135 parking spaces five (5) of which are handicapped and two access points from Chickasaw Road and South Jog Road. The subject site will provide a 15 ft. wide landscaped buffer along South Jog Road and a 10 ft. buffer on Chickasaw Road. The lighting plan shows no spill over onto adjacent properties. Sanitation and delivery truck circulation will be from South Jog Road. Staff recommended approval of SP-17-02, subject to staff's twenty-four (24) conditions of approval.

Chairwoman Edmundson called on board members for comments.

Board members questioned the availability of water. The project would be connected to water mains on Chickasaw Road and South Jog Road via a "loop" system.

Attorney Dickerson explained that the proposal meets or exceeds code requirements for maximum lot coverage, building height and setbacks and meets landscape buffers,

and parking. He reported that the site would have three (3) access points with one cross-access from the property to the north and ingress/egress from South Jog Road and Chickasaw Road. The traffic study looked at the number of trips, stacking and due to the size of the project, no turn-lane was required on South Jog Road. The applicant voluntarily offered to provide a dedicated right turn-lane to reduce impact on South Jog Road when requested by Palm Beach County. Additionally, the applicant will be providing a guardrail running the length of the property along Chickasaw Road to enhance safety. On the western portion of the site there will be a 6-ft. masonry wall that will serve as sound mitigation to adjacent residential. Truck deliveries will be from South Jog Road. The applicant received a letter from the County confirming that the project meets traffic performance standards.

Traffic Engineer Carl Peterson of KBP Consulting, 8400 North University Drive, prepared the traffic study to determine if the surrounding road and intersections could adequately handle the project. The County Traffic Division and the City's traffic engineer reviewed the project for code compliance and KBP wanted to ensure traffic conditions were accurately reflected. Using existing Aldi stores, trip generation rates were created and approved by the County. Mr. Peterson explained that Aldi's is not a typical supermarket; it has reduced hours of operation and has a smaller footprint which makes it more of a neighborhood market. There was no impact during peak morning or evening hours since the project does not open until 9:00 am. A traffic signal was considered; however, the project did not meet the minimum requirements.

Attorney Dickerson noted that the project is architecturally pleasing and the applicant will consider paving a portion of Chickasaw Road from the site to South Jog Road. A condition of approval could be added if necessary.

Residents emphasized that the added traffic would negatively impact Chickasaw Road and asked if the School District had reviewed the project.

Director Ferris noted that the School District reviews only residential projects, not commercial ones.

Chairwoman Edmundson called for a motion.

MOTION: Commissioner Buzek made a motion to recommend approval of SP-17-02 (Aldi's), subject to staff's twenty-four (24) conditions of approval. Commissioner Roberts seconded the motion.

VOTE ON THE MOTION: **In favor:** Chairwoman Edmundson, Commissioners Clements, Buzek, Bennis, Garcia, Roberts and Fitzgerald.

Motion: 7- 0.

Director Ferris announced the first and second public hearing dates for the annexation, land use amendment, rezoning and site plan for December 18, 2017 and January 22, 2018.

Chairwoman Edmundson called for a recess at 8:55 pm. The meeting reconvened at 9:05 pm.

- D. ANX-17-01 South Military Trail Annexation (PBC Tax Collector Site)**
Ord. 2017-20 A request by the owner for an involuntary annexation for 3 parcels of land totaling approximately 5.42 +/-acres. The sites are located at 4215 and 4101 South Military Trail and an adjacent portion of a Lake Worth Drainage District (LWDD) canal right-of-way (r-o-w) located between Raulerson Drive and South Military Trail.

Director Ferris described the involuntary annexation of three (3) parcels of land totaling 5.42 acres located at the intersection of Lake Worth Road and South Military Trail. Parcel 1 is an FPL substation built in 1980. Parcel 2 is a Lake Worth Drainage District drainage canal right-of-way currently under construction as a parking lot extension to the PBC Tax Collector site. Parcel 3 is the PBC Tax Collector site. She reported that County permits have been applied for and all inspections will be honored. Once completed, the site will become property of the City. The proposal meets the six (6) annexation criteria therefore staff recommends approval of ANX-17-01.

Chairwoman Edmundson called on board members for comments; hearing none, she opened the floor to the public. She asked if anyone was in favor of, or opposed to Ordinance No. 2017-20 to come forward. Seeing no one come forward, she closed the floor to the public and called for a motion.

MOTION: Commissioner Buzek made a motion to recommend approval of through the adoption of ANX-17-01 as presented by staff. Commissioner Fitzgerald seconded the motion.

VOTE ON In favor: Chairwoman Edmundson, Commissioners
THE MOTION: Clements, Buzek, Bennis, Garcia, Roberts and Fitzgerald.

Motion: 7 – 0.

- E. ZC-17-02 South Military Trail Annexation (PBC Tax Collector Site)**
Ord. 2017-28 A City-initiated for a zoning change from PBC Urban Infill (UI) to a City of Greenacres Commercial Intensive (CI) and Government Use (GU). The sites are located at 4215 and 4101 South Military Trail and an adjacent portion of a Lake Worth Drainage District (LWDD) canal right-of-way (r-o-w) located between Raulerson Drive and South Military Trail that will not require a zoning designation.

Director Ferris described the City-initiated rezoning of the FPL sub-station from a County UI zoning designation to a City CI designation which is consistent with the adjacent commercial plaza. A GU zoning designation is being proposed for the PBC Tax Collector and canal right-of-way sites. The proposal meets the ten (10) zoning change criteria; therefore, staff recommends approval ZC-17-02.

Chairwoman Edmundson called on board members for comments; hearing none, she opened the floor to the public. She asked if anyone was in favor of, or opposed to Ordinance No. 2017-28 to come forward. Seeing no one come forward, she closed the floor to the public and called for a motion.

MOTION: Commissioner Clements made a motion to recommend approval of ZC-17-02 as presented by staff. Commissioner Robarts seconded the motion.

VOTE ON THE MOTION: **In favor:** Chairwoman Edmundson, Commissioners Clements, Buzek, Bennis, Garcia, Robarts and Fitzgerald.

Motion: 7 – 0.

- F. ZC-17-01 Dunkin Donuts**
Ord. 2017-30 A City initiated request for a zoning change from a PBC Urban Infill (UI) to a City of Greenacres Commercial Intensive (CI). The site is located at 4644 Lake Worth Road.

Director Ferris described the request for a zoning change for the Dunkin Donuts on Lake Worth Road and Raulerson Road. The property was annexed as part of an interlocal agreement with the County (ANX-16-02) on September 8, 2016. The annexation created an enclave which was approved by the County. The proposed zoning designation for the subject site located at 4644 Lake Worth Road is Commercial Intensive (CI) and is consistent with surrounding properties. The proposal meets the ten (10) zoning change criteria; therefore, staff recommends approval of ZC-17-01.

Chairwoman Edmundson opened the floor to the public. She asked if anyone was in favor of, or opposed to Ordinance No. 2017-30 to come forward. Seeing no one come forward, she closed the floor to the public and called for a motion.

MOTION: Commissioner Clements made a motion to recommend approval of ZC-17-01 as presented by staff. Commissioner Buzek seconded the motion.

VOTE ON THE MOTION: **In favor:** Chairwoman Edmundson, Commissioners Clements, Buzek, Bennis, Garcia, Robarts and Fitzgerald.

Motion: 7 – 0.

5. **Discussion Items:** None.
6. **Concluding Remarks:** None.
7. **Adjournment of Planning Commission.**

Chairwoman Edmundson declared there was no further business to discuss and adjourned the Planning Commission at 9:19 p.m.

Planning Commission

Ann Edmundson

Ann Edmundson, Chairwoman



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Respectfully submitted:

Kara L. Irwin-Ferris

Kara L. Irwin-Ferris
Director of Planning & Engineering

Joanna Cunningham

Joanna Cunningham, MMC
City Clerk

Date of Approval: 3/21/18